IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23009 of 2004

Between:

Guggilla Narsaiah, S/o Ramaiah, Sarpanch
R/o Nalapogula Village, Lingala Ghanapur Revenue Mandal,
Warangal District.

..... PETITIONER

AND

The District Collector, Warangal District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the Respondent in issuing the proceedings bearing Progs.No. 1754/2002/A2 dated 6-10-2004, suspending the Petitioner from the Post of Nelapogula Gram Panchayat Sarpanch, Lingala Ghanapuram Mandal, Warangal District, without considering the reply submitted by the Petitioner, as illegal,malafide and vitiated gross violation of principles of natural justice and further quash the same forthwith and pass such other order or orders

Counsel for the Petitioner:MR.M.V.DURGA PRASAD

Counsel for the Respondent.: GP FOR Panchayat Raj & Rural Development

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the proceedings dated 6-10-2004 suspending the petitioner from the post of Sarpanch under section 249(6) of the A.P.Panchayat Raj Act, 1994 (for short the Act) alleging misuse of powers in maintaining two Gram Panchayat cash books while discharging his duties as Sarpanch.

Though several contentions were raised in the writ petition, learned Government Pleader for Panchayat Raj & Rural Development submitted that against the impugned orders passed under section 249 (6) of the Act, an alternative remedy of revision to the Government is provided under section 264 of the Act and without availing such remedy, the petitioner has rushed to this Court by filing the present writ petition, which is not maintainable.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since an alternative remedy of revision is provided under the Act as against the impugned order, without expressing any opinion on the merits of the matter, I deem it appropriate to permit the petitioner to file a revision, as provided under section 264 of A.P.Panchayat Raj Act, together with stay application, within a period of six weeks from today. Till such time, status quo existing as on today shall be maintained. On filing such a revision petition, the Revisional Authority shall consider the same and pass appropriate orders in accordance with law.

Subject to above observation, the writ petition is dismissed at the admission stage.

_____ **N.V.RAMANA,J**

20-12-2004.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1..The District Collector, Warangal District.

2.2CCs to GP FOR Panchayat Raj & Rural Development, High Court of A.P., buildings, Hyderabad (OUT)

3.2CD copies

*Form-NIC-OGS/WP{**AVLR**}*